

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

IN RE: §
§ MISC. NO. C-08-21
RONALD DWAYNE WHITFIELD §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY MOVANT'S
EMERGENCY MOTION FOR LEAVE TO FILE**

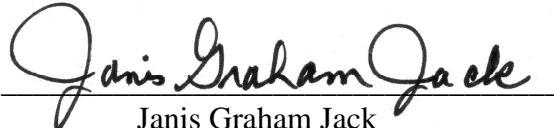
On February 29, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that movant's emergency motion for leave to file a habeas petition and a civil rights complaint (D.E. 1) be denied. The memorandum and recommendation recommended further that movant be sanctioned \$100.00 and barred from filing any non-criminal actions in this Court until such fine is paid in full; and further, that should the Court adopt the memorandum, the dismissal be characterized as one described by 28 U.S.C. § 1915(g), and that the Clerk be directed to provide a copy of the order of dismissal to: District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker. On March 11, 2008, movant filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and movant's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge. Accordingly, it is

ORDERED that movant's emergency motion for leave to file a habeas petition and a civil rights complaint (D.E. 1) is denied. It is further ORDERED that movant is sanctioned \$100.00 and barred from filing any non-criminal actions in this Court until such fine is paid in full. This dismissal is characterized as one described by 28 U.S.C. § 1915(g), and the Clerk is directed to provide a copy of the order of dismissal to: District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 13th day of March, 2008.



Janis Graham Jack
United States District Judge